MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M

ROLL NUMBER

DESCRIPTION

2101

2001 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2101

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2101

Senate Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date January 18, 2001

Tape Number	Side A	Side B	Meter #
1	X		0.0-11.0
January 26 Tape 1	X		48.8-End
January 26 Tape 1		X	0.0-5.5
Committee Clerk Signature			

Minutes: Chairman Krebsbach called the committee to order. The clerk called the roll. All members were present. Chairman Krebsbach opened the hearing on SB 2101 which relates to execution of instruments by the North Dakota Mill and Elevator Association. Appearing before the committee was Karlene Fine representing the Industrial Commission. She introduced Vance Taylor, President and General Manager of the North Dakota Mill and Elevator Association to the Committee. Following his introduction Vance Taylor presented his testimony in support of SB 2101 to the committee. A copy of his written testimony is attached. Questions were offered by the committee. Senator C. Nelson indicated she understood the reason to expand the number of people who can sign contracts, however by saying all employees, she indicated she has a problem with that. The word is employees which implies it could be anybody from the janitor to whatever else you have up there. Is there a way you can limit what kind of employees you are talking about here, rather than your entire work force? Mr. Taylor indicated the thinking on that is they have a group of himself and six officers and in the sales department there are four other

sales individuals who deal with customers and would be required to sign contracts. In the grain department there's an officer and one person under him that would be required to sign contracts when he would be out. That is the thinking behind other employees. The other employees that would be pegged would have to be approved by me and also approved by the industrial commission. Senator C. Nelson, wouldn't we be better off having employees as appointed by the president of the mill or something that limited to what you just said rather than having the vague word employee? Mr. Taylor indicated that not having a full understanding of the process here, and just thinking on the fly, the intent of this bill would be for his approval to happen before other employees sign contracts so he's not sure there would be a problem with that. At this time Karlene Fine indicated to the committee that she would relate to the committee how it happens with the other agencies such as the industrial commission. Say for example at the Bank of North Dakota, the commission specifically authorizes people and positions within the bank and that would be the same thing with the mill. The commission would have by action as a commission designated who would be able to sign things. Questions continued and were offered by Senators C. Nelson, Wardner, Dever, and T. Mathern. A discussion ensued concerning a possible rewrite for the purposes of language clarification. Ms. Fine indicated that it would be possible to check with the attorney general's office about language and a rewrite for the purposes of clarification. Chairman Krebsbach indicated that perhaps it would be best to get the clarifications done and then have them presented to the committee and that would make it easier for the committee to decide on the correct way to proceed with this. There was no further testimony offered in support of the bill. No one appeared in opposition. Chairman Krebsbach closed the hearing on SB 2101. Further discussion of SB 2101 took place in committee on January 26, 2001. Karlene Fine had brought some proposed amendments to the committee. A

discussion of the amendments ensued with Chairman Krebsbach, Senator C. Nelson, and Senator Kilzer participating. Senator Nelson proposed that the amendment read Page 1, line 14 remove the under struck when and replace it with as. She moved the amendment, motion seconded by Senator T. Mathern. Discussion of the amendment continued with participation by Senators T. Mathern, C. Nelson, and Krebsbach. A Roll Call Vote was taken on the adoption of the proposed amendment which reads on Page 1, line 14, remove the under struck when and replace it with as. Roll Call Vote indicated 6 Yeas, 0 Nays, and 0 Absent or Not Voting. Discussion once again continued with Senator Dever making a point about already existing contracts. Senator C. Nelson and Chairman Krebsbach offered comments. Senator T. Mathern suggested that perhaps an additional amendment might be added to further clarify the language and intent of the bill. Senator C. Nelson moved to further amend the bill by deleting lines 15 and 16 and add the emergency clause, seconded by Senator Dever. There was some continued discussion on the bill and proposed amendments with Senators C. Nelson, Krebsbach, Kilzer and T. Mathern participating. Senator Wardner reminded the committee that if the house is not satisfied with the actions taken by this committee this bill will end up in conference committee where the problems can be sorted out. A Roll Call Vote indicated 5 Yeas, 1 Nay, and 0 Absent or Not Voting. A motion for Do Pass as Amended was made by Senator T. Mathern, seconded by Senator C. Nelson. There was no further discussion. Roll Call Vote indicated 6 Yeas, 0 Nays, and 0 Absent or Not Voting. Senator Wardner will carry the bill.

Date: 1/26/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2101

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number 18150.0101

Action Taken Amend SB 2101

Motion Made By Sen. C Nelson Seconded By Sen. T Mathern

Senators	Yes	No	Senators	Yes	No
Senator Karen Krebsbach, Chr.	✓		Senator Carolyn Nelson	✓	
Senator Dick Dever, Vice-Chr.	✓		Senator Tim Mathern	✓	
Senator Ralph Kilzer	✓				
Senator Rich Wardner	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 1/26/01
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2101

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number 18150.0101

Action Taken Motion to Amend Delete lines 15 + 16, Add Em. Clause

Motion Made By Sen. C Nelson Seconded By Sen. Dever

Senators	Yes	No	Senators	Yes	No
Senator Karen Krebsbach, Chr.	✓		Senator Carolyn Nelson	✓	
Senator Dick Dever, Vice-Chr.	✓		Senator Tim Mathern	✓	
Senator Ralph Kilzer		✓			
Senator Rich Wardner	✓				

Total (Yes) 5 No 1

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 1/22/01
Roll Call Vote #: 3

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2101

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Sen. Mathern Seconded By Sen. C. Nelson

Senators	Yes	No	Senators	Yes	No
Senator Karen Krebsbach, Chr.	✓		Senator Carolyn Nelson	✓	
Senator Dick Dever, Vice-Chr.	✓		Senator Tim Mathern	✓	
Senator Ralph Kilzer	✓				
Senator Rich Wardner	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Wardner

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2101: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2101 was placed on the Sixth order on the calendar.

Page 1, line 2, after "association" insert "; and to declare an emergency"

Page 1, line 14, replace "when" with "as" and remove the underscored period

Page 1, remove line 15

Page 1, line 16, remove "employee of the association, and otherwise proper, is valid and effective"

Page 1, after line 16, insert:

"**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

2001 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2101

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2101

House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 3/2/01

Tape Number	Side A	Side B	Meter #
1	X		0-322
	X		751-825
Committee Clerk Signature Robin L. Small			

Minutes:

REP. M. KLEIN called the meeting to order, with all members present.

In favor:

VANCE TAYLOR, PRESIDENT AND GENERAL MANAGER NORTH DAKOTA MILL AND ELEVATOR ASSOCIATION

Please see testimony.

REP. M. KLEIN asks TAYLOR to please explain the senate amendments.

REP. M. KLEIN asks if this would give them more flexibility? TAYLOR replies yes it would.

There was no opposition.

Being there was no further testimony the hearing was closed. Later in the morning the committee took action.

REP. CLEARY motioned for a DO PASS, seconded by REP. MEIER. The roll call was taken with 15 YES, 0 NO. The motion passes. The CARRIER of the bill is REP. MEIER.

SB 2101: DO PASS 15-0

CARRIER: REP. MEIER

Date: 3/2/01

Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2101

House **GOVERNMENT AND VETERANS AFFAIRS** Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Cleary Seconded By Meier

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN	✓		REP KROEBER	✓	
VICE CHAIR GRANDE	✓				
REP BELLEW	✓				
REP BRUSEGAARD	✓				
REP CLARK	✓				
REP DEVLIN	✓				
REP HAAS	✓				
REP KASPER	✓				
REP KLEMIN	✓				
REP MEIER	✓				
REP WIKENHEISER	✓				
REP CLEARY	✓				
REP HUNSKOR	✓				
REP METCALF	✓				

Total (Yes) 15 No 0

Absent _____

Floor Assignment Rep. Meier

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 2, 2001 9:38 a.m.

Module No: HR-36-4668
Carrier: Meier
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2101, as engrossed: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2101 was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

SB 2101

Testimony on Senate Bill No. 2101
By Vance Taylor
President & General Manager
North Dakota Mill & Elevator Association
January 18, 2001

Chairman Krebsbach and Senators:

My name is Vance Taylor. I am President and General Manager of the North Dakota Mill and Elevator Association. I am appearing today in support of Senate Bill No. 2101.

Current law allows for only two members of the Industrial Commission, of whom the Governor must be one, or the Manager of the Mill to sign contracts. During calendar year 2000 there were over 1,100 sales contracts and over 1,300 grain contracts executed by the Mill. It is not practical for only the General Manager to have authority to sign contracts. The General Manager travels regularly to meet with customers and potential clients, which could cause lengthy delays in execution of documents if all contracts require his review and signature.

As an example, the Grain Buyer and Sales Representatives are required to finalize purchases and sales in a timely manner due to rapidly changing grain markets. The rapid execution of grain purchase contracts is required for timely payments to producers. The rapid execution of sales contracts is required to lock flour prices and prevent competitive interference with customers.

Our primary concern is to execute necessary contracts in a timely fashion. The approval of Senate Bill No. 2101 will allow the Industrial Commission to give authority for other officers, employees and legal counsel of the State Mill to sign written instruments or contracts.

This concludes my presentation. Thank you for your time and consideration. I will be happy to answer any questions.

P.O. Box 13078 / Grand Forks, ND 58208-3078
Telephone: (701) 795-7000 / Fax: (701) 795-7272

PROPOSED AMENDMENT TO SENATE BILL NO. 2101

Page 1, line 14 after the word "when" insert "any of them is"

Renumber accordingly.

The sentence would then read:
Written instruments must be executed in the name of the state of North Dakota, signed by any two members of the industrial commission, of whom the governor must be one, or by the manager of the association within the scope of the manager's authority, as defined by the commission or by other officers, employees, or legal counsel of the association when any of them is authorized by the industrial commission.

Testimony on Engrossed Senate Bill No. 2101
By Vance Taylor
President & General Manager
North Dakota Mill & Elevator Association
March 2, 2001

Mr. Chairman and Representatives:

My name is Vance Taylor. I am President and General Manager of the North Dakota Mill and Elevator Association. I am appearing today in support of Engrossed Senate Bill No. 2101.

Current law allows for only two members of the Industrial Commission, of whom the Governor must be one, or the Manager of the Mill to sign contracts. During calendar year 2000 there were over 1,100 sales contracts and over 1,300 grain contracts executed by the Mill. It is not practical for only the General Manager to have authority to sign contracts. The General Manager travels regularly to meet with customers and potential clients, which could cause lengthy delays in execution of documents if all contracts require his review and signature.

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Our primary concern is to execute necessary contracts in a timely fashion. The approval of Engrossed Senate Bill No. 2101 will allow the Industrial Commission to give authority for other officers, employees and legal counsel of the State Mill to sign written instruments or contracts.

This concludes my presentation. Thank you for your time and consideration. I will be happy to answer any questions.

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